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ABSTRACT

This report presents findings and recommendations of the Michigan Commission on Higher Education concerning needed reforms in postsecondary education. Emphasis is placed on planning and coordination, institutional governance, and future agenda. Planning and coordination is discussed in relation to the developing crisis, constitutional ambiguity, and present structure, alternatives to that structure, and a proposal encompassing constitutional elements, statutory elements, review provisions, and strengths of the proposal. Institutional governance encompasses independent boards of control, membership, methods of selection, and presiding officers. Finally, the future agenda presents goals and purposes, opportunities for learning, and the environment for learning. Appendixes include implementing legislation, index to commission working papers, commission timetable, and acknowledgements. (HJH)

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BUILDING FOR THE FUTURE
OF
POSTSECONDARY EDUCATION IN MICHIGAN

Report
of the
GOVERNOR'S COMMISSION ON HIGHER EDUCATION

Lansing, Michigan
October, 1974

HE 005 969

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, Governor

Governor's Commission on Higher Education

Lewis Cass Building
Lansing, Michigan 48913

October, 1974

The Honorable William G. Milliken
Governor of the State of Michigan
State Capitol Building
Lansing, Michigan

Dear Governor Milliken:

I am pleased to transmit the final report of your Commission on Higher Education.

The Commission, which you appointed on December 29, 1972, responded to your charge by moving quickly to set its priorities, study the issues and come forward with its recommendations. It sought to find a broad consensus on needed reforms in postsecondary education and bring about their implementation. The Commission's major recommendations are outlined in this brief final report.

There was not adequate time for the Legislature to make use of the findings of the Commission during the current session. Members of the Commission stand ready to aid your office and the Legislature, should you wish to implement the suggested changes at a later date.

On behalf of the Commission members, I would like to express our appreciation for the opportunity you have given us to help make an excellent system of postsecondary education in Michigan even better.

Sincerely,

A handwritten signature in cursive script that reads "L. William Seidman".

L. William Seidman
Chairman

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I. INTRODUCTION

The Commission on Higher Education was established by Governor William G. Milliken in December of 1972, largely as an expression of the Governor's continuing concern for quality education.

Among the reasons cited by the Governor for creation of the Commission are the following:

- The recognized limitations of Michigan's present planning and coordination system for higher education.
- The apparent lessening of public confidence in governmental and other service institutions, including higher education.
- The problem of increasing costs in higher education coupled with expectations of future enrollment declines.
- The questioning of the effectiveness of institutions of higher education in preparing students for the job market.
- The rising concerns of women and minorities over problems of limited access to higher education.

A. The Commission's Charge

The Governor's formal charge to the Commission is of a threefold nature and reads:

1. To assess and, when necessary, redefine the goals, purposes and the functions of postsecondary education in Michigan as well as the instructional delivery systems required to carry out such purposes.
2. To determine and make appropriate recommendations concerning needed procedures and structures for the proper governance, planning and coordination of postsecondary education in Michigan.

3. To determine and make needed recommendations on the means required to provide most equitably for the financial needs of postsecondary education in Michigan in the years to come.

B. The Commission's Response

In responding to this broad charge, the Commission made two basic decisions, one procedural and the other definitional. To be most effective, the Commission reasoned that it must limit its major concerns to the highest priority issues, establish achievable goals, seek broad consensus on the part of affected groups, and involve itself in the implementation of its recommendations. It soon became apparent that the most crucial issue was the effectiveness of statewide planning and coordination and its relationship to institutional governance. The priority of this area became more urgent when the Commission discovered that achievement of educational goals, refinement of educational delivery systems, and determinations of financial needs rest importantly on adequate system planning and coordination. This area was selected for the most intensive study by the Commission, which limited efforts in other aspects of the Governor's charge. The most tangible recommendations and proposed implementing actions are in the area of planning, coordination and governance.

Definitionally, the Commission moved beyond the limitation of "higher education" to focus on the broader concept of "postsecondary education." This concept recognizes educational needs and opportunities as they presently exist and as they may be identified in the

future. It includes traditional degree granting colleges and universities, community and junior colleges, trade schools, business schools, technical schools, both public and private, as well as profit or non-profit. The Commission's working definition of postsecondary education is:

Postsecondary education is any instruction, research, public service or other learning opportunity offered to persons who have completed their secondary education or who are beyond the compulsory secondary school attendance age (age 16) and who are participating in an organized educational program or learning experience administered by other than schools whose primary role is elementary and secondary education.

The Commission thus set about its deliberations. It received the reports and viewpoints of all major educational organizations. Its own advisory committees and technical task forces reported their findings. State and national consultants in the field advised the Commission. Its own staff presented studies of major issues. Major political and community groups and individuals testified before the panel. The representative, bipartisan nature of the Commission members themselves insured input from many sources. A series of public hearings were held on an interim report, implementing legislation was introduced, and its passage was sought. The Commission is now prepared to report on its findings and recommendations.

II. PLANNING AND COORDINATION

The Governor's charge to the Commission indicated that one of the major anticipated outcomes of the present study is to create a more effective system for the general planning and coordination of postsecondary education in Michigan. The Commission has established this as its highest priority goal. In doing so, it resolved that building a means of responding to future problems and issues in postsecondary education is more central to its concern than attempting to make specific recommendations on present problems.

A. The Developing Crisis

Effective planning and coordination of postsecondary education is important for the present and essential for the future. The Commission's projections of the future for Michigan indicate stabilizing, or declining, enrollments, increased costs, and more specialized demands for educational services. The combination of these factors could lead to wasteful competition for students and for revenue, both among institutions and between groups of institutions, public and private. The rapid expansion of postsecondary education, which characterized the 50s and 60s, is largely over. Ahead is a decade or more of consolidation and adjustment to changing needs and new conditions. Institutional missions may be more difficult to define, maintenance of quality may be tested, and responsiveness to student

needs challenged. Cooperative efforts on the part of all segments of the education community are necessary.

The State of Michigan must make the difficult, often painful, decisions to adapt postsecondary education programs to this new reality. This will require the availability of essential information and informed insights and judgments at both the campus and governmental levels. Attention must be focused on such major issues as the need to optimize the use of limited resources; the need to improve upon the flexibility and diversity of institutions and programs; the need to identify and respond to the changing needs and requirements of a complex society; the need to extend access to postsecondary educational services, to improve upon opportunity, and to devise and implement new delivery systems.

Adequate responses to these needs will require an effort that is both comprehensive and continuous and based upon the cooperative relationships of the institutions of postsecondary education and appropriate state authorities. It should not be geared to the development of a single "master plan." Prescription planning of this type should, in fact, be avoided, and approaches devised to insure flexibility in responding to new conditions and situations as they develop. It is also essential that planning anticipate problems and concerns before they reach a critical stage and become emotionally and politically polarized, making resolution difficult, if not impossible.

Based upon its studies, the Commission concludes that the present capability of planning and coordination for postsecondary education in

Michigan is not adequate to the needs. Such a capability, therefore, must be developed if Michigan is to retain its envied leadership role. The combined efforts of all parties having a stake in postsecondary education will be necessary to meet and resolve the issues of the future. This will require building more positive working relationships among institutions; clarifying and strengthening the missions of different institutions; more effectively utilizing available resources; broadening the service opportunities of institutions or agencies; and increasing public access to postsecondary education.

B. Constitutional Ambiguity

Undoubtedly, the framers of the 1963 Michigan Constitution sincerely believed that they were creating an improved system of higher education for the state, one that would provide for necessary planning and coordination as well as institutional autonomy. The State Board of Education was named to "serve as the general planning and coordinating body for all public education, including higher education," and was, in addition, provided responsibility to "advise the legislature as to the financial requirements in connection therewith." The same section of the constitution also provides: "The power of the boards of institutions of higher education provided in this constitution to supervise their respective institutions and control and direct the expenditure of the institutions' funds shall not be limited by this section."

The ambiguity of these two statements lead to differing inter-

pretations by the State Board of Education and the boards of the public baccalaureate institutions. Each party asserted its assumed authority and a conflict resulted. The issue eventually went to the courts for resolution. At the trial and appellate court level (the case is still pending before the Michigan Supreme Court) the decision favored the universities by indicating that the State Board of Education cannot regulate their actions. As stated by the trial court judge: "It is the opinion of this court that the State Board of Education lacks the authority to require plaintiffs to obtain its approval before implementing any new programs or expanding branch campuses or departments."

The result of this ambiguity and conflict has been most unfortunate and has added measurably to the inability of the State of Michigan to mount an effective planning and coordination effort. The Commission believes that confusion as to legal authorities must be resolved.

C. An Imperfect Structure

It is not the intent or desire of the Commission on Higher Education to assign blame for any of the shortcomings of Michigan's present system of planning and coordination. It is quite evident that a number of factors have entered into the situation, many of which have been beyond the power of the actors to control. But the issue must be addressed as to the effectiveness of present arrangements and the likelihood of their meeting the needs of the future.

The ambiguity of the Michigan Constitution has previously been

calls for a high level of past and future attention. But the problems and concerns of postsecondary education are also compelling and deserve greater attention than has been possible under existing arrangements.

In its final assessment of this issue, the Commission has determined that for whatever reason or combination of reasons, the present structural arrangements have not provided sufficient basis for responding to the pressing needs and demands of postsecondary education in Michigan. It has, therefore, come to the position that a basic change in the structure of the present system is both necessary and desirable.

D. The Alternatives

In assessing the possible future state of postsecondary education in Michigan, the ambiguous nature of the present constitution, and the present ineffective system of higher education planning and coordination, the Commission also reviewed the relative advantages and disadvantages of a number of possible alternatives for corrective action. These ranged from status quo to major change and included various arrangements of several elements. The concepts of voluntary, advisory and regulatory authorities were discussed. A single education board was contrasted with separate boards for broad sectors of education. Institutional autonomy was considered for retention or limitation. State level focus on system planning and coordination or institutional governance was considered. The advantages of implementation by constitutional change or statutory enactment were also weighed.

In the process of considering various alternatives, the Commission

concluded that a system of strictly voluntary coordination would not be effective in light of future needs and past history. The Commission also determined that consideration of systemwide planning and coordination are separable from concerns of institutional governance. The Commission thus rejected the prospect of establishing a centralized state governing board, and resolved to focus its full attention on the processes of planning and coordination as a separate and distinct function.

E. The Proposal

On the basis of its review of available alternatives, the information made available to it from various sources and its own sense of the possible as well as the desirable, the Commission has resolved (1) to seek appropriate revision of the Michigan Constitution to provide greater clarity to the relationships between the institutions and the state in matters concerning general planning and coordination, and (2) to seek legislative enactment of a basic implementing statute defining the duties and responsibilities of the recommended state agency and the organizational aspects thereof.

1. Constitutional Elements

The Commission recommends that the Michigan Constitution be revised to provide for the creation by statute of a separate state board of postsecondary education.

1. It is recommended that the functions and responsibilities of the present State Board of Education

should be limited constitutionally to leadership, general supervision, planning and coordination for elementary and secondary education only.

2. It is recommended that the new state board of postsecondary education have responsibility for the general planning and coordination of all education beyond the secondary level, with advisory and recommendatory, rather than mandatory, authority.
3. It is recommended that members of the new state board of postsecondary education be appointed by the Governor, with the advice and consent of the Senate.
4. It is recommended that existing constitutional provisions assigning supervisory powers to the boards of public baccalaureate institutions be retained.
5. It is recommended that boards of public community and junior colleges be removed from "general supervision" control of the State Board of Education and that the State Board for Public Community and Junior Colleges be abolished.

Having carefully examined the advantages and disadvantages of regulatory bodies as compared to advisory bodies in relation to the history and traditions of Michigan higher education, the Commission has concluded that the most appropriate organizational response leading to improved planning and coordination would be for the establishment of an advisory body, one having a strong, positive identification with postsecondary education and composed of lay citizens representative of the public at large.

The recommendation to retain existing constitutional authorities of governing boards affirms the Michigan tradition of creativity and leadership in higher education through relative independence of institutional governance.

Special comment is required on the recommended alterations for

community and junior colleges. For a period of their history, these institutions were very closely identified with K-12 education. Most of the early institutions were administered by local boards of education, and a few still are. In 1963 only 17 community colleges were established and enrolled less than 20% of the students in limited curricular offerings. Consequently, the Constitutional Convention deemed it appropriate to include this fledgling system under the general supervisory authority of the State Board of Education and to provide a separate statewide advisory board to insure an equal voice with baccalaureate institutions in the deliberations of the State Board. Today, the community college system includes 29 institutions and enrolls approximately a third of the students. The curriculum and service programs have been substantially broadened to service the needs and interests of local communities. In view of the changed circumstances, there seems little reason to continue separate treatment of community colleges by maintaining these institutions under K-12 oriented "general supervision" nor by retaining a separate advisory board. In proposing that community colleges have the same relationship to the proposed state board of postsecondary education as the baccalaureate institutions, the Commission does not suggest changed relationships between community colleges and the Legislature. The basic community college act (Act 331, P. A. 1966) and the appropriation acts would still govern appropriation restrictions and the basic role and missions of these institutions. Particularly, no change in law should be made to allow these insti-

tutions to grant baccalaureate or higher degrees.

2. Statutory Elements

In order to amplify the basic constitutional statement regarding planning and coordination of postsecondary education, statutory enactments will be required. The proposed state board of postsecondary education must be established and its duties and responsibilities assigned. Its relationship with the Governor, the Legislature, and educational institutions must be spelled out. Its place in the organizational structure of state government must be determined. Based upon accepted definitions of "postsecondary education" and "elementary and secondary education," appropriate transfers of existing statutory responsibilities of the present State Board of Education must be made to the new board. These enactments will provide the new board with clear direction in the organization and administration of its task, a factor which has been lacking in higher education involvements of the present State Board of Education, and will also provide a basis for the expression of legislative intent.

The Commission has not fully structured the proposed statutes for consideration by the Legislature at this time since it would be presumptuous to do so until a state board of postsecondary education is authorized by a vote of the people. Nevertheless, an outline of a proposed statute is included in the appendix to this report as a point of departure for legislative consideration. Defining the basic jurisdictions of the two state level education boards and making appropriate

assignments of responsibilities might require extensive legislative study and recodification of existing law. A basic act establishing the new board and assigning its duties need not wait for such extensive study but should be passed as soon as possible after voter approval of the constitutional amendments.

The Commission recommends that implementing statutes be enacted which include the following major features:

1. A clear definition of the term "postsecondary education" and means for distinguishing it from "elementary and secondary education."
2. An indication of the size of the proposed board (recommended to be no less than seven nor more than 15 members), the process of selection of board members (appointment by the Governor, by and with the advice and consent of the Senate), the political party balance (recommended that not more than a majority be representative of a single political party), and terms of office (not more than four years), together with adequate provisions for the staggering of such terms.
3. The means for selecting a chief executive officer (director) and staff to carry out the policies and directives of the board and the manner of organizing the board itself.
4. The board's place in the organizational structure of state government, either as a principal department or as an autonomous entity within the Department of Education. The draft statute included in the appendix to this report illustrates both options.
5. The listing of the duties and responsibilities of the board which should include, at the very least, the following:
 - (a) Collecting essential information and data about postsecondary education in Michigan, its assessment and interpretation.
 - (b) Conducting comprehensive and continuous planning and assessment studies of all aspects of postsecondary education.

- (c) Advising the Governor and the Legislature as to the financial and other needs of postsecondary education.
 - (d) Advising the Governor and the Legislature on the roles and missions of individual institutions, their educational programs, needs for new programs, centers, schools, or departments.
 - (e) Providing assistance in the development of cooperative relationships among institutions and between the sectors of postsecondary education.
 - (f) The authority to name appropriate advisory committees and councils, at least one of which would be broadly representative of postsecondary education in general, for the purpose of assisting the board in carrying out its defined responsibilities.
 - (g) Providing, from time to time, such other advice and counsel concerning postsecondary education as either the Governor or the Legislature may require.
6. The assignment of responsibility for administering special programs in support of postsecondary education which may be created by federal or state statutes (i.e., state student scholarship and tuition program, federal construction grants).
 7. Requiring institutional cooperation with the new board in the gathering of needed information and data, the preparation of planning studies, and in related activities.

3. Review Provision

In proposing the above modifications in the Michigan Constitution and in statute, the Commission is not unmindful of the substantial concerns expressed that the system of cooperative relationships proposed may not be adequate to meet the major planning and coordinating task ahead.

The movement to create state level regulating bodies in many other states, the advice of some national authorities, and significant voices in Michigan raise doubts as to the effectiveness of planning and coordination based on cooperative relationships. However, the Commission is convinced that only by creating a truly cooperative system in which the roles of the various parties are understood and respected can the state move to meet the challenges of the future. Effort, restraint and discipline on the part of the institutions of postsecondary education, the board of postsecondary education, the Governor, the Legislature and other groups having a stake in the enterprise will be required to mold such a system. The test of whether Michigan can create and sustain this unique approach to postsecondary education planning and coordination will be determined over time. The Commission recognizes that such a cooperative climate is integral to the success of its proposed system and, therefore, recommends:

1. That within a period of five years from the establishment of the new state board of postsecondary education, the Governor and the Legislature should establish a special review commission for the purpose of assessing the functions of the new state board and the successes or failures of the cooperative planning and coordination system. Moreover, should it be determined that the system has not proven effective, consideration should be given to possible further constitutional revision.
2. Alternately, if, under the provisions of the present constitution, the people call another constitutional convention in 1978, the Governor and the Legislature should take appropriate steps at that time to require an assessment of the accomplishments of the

new state board with the object of providing the results of such a study to the convention when it shall meet.

4. Strengths of the Proposal

The major thrust of the proposal is to establish cooperative planning and coordination of postsecondary education. The Commission would point out several of the features of the proposal which it considers most essential to achieving this goal.

1. Statewide planning and coordination have constitutional base, as does institutional governance autonomy.
2. Statutory implementation provides clear direction and support to the planning and coordination effort.
3. An appointed bipartisan board insures participation of the major political authorities while insulating postsecondary education policies from purely partisan considerations.
4. Elementary-secondary and postsecondary education are separated so that appropriate focus can be given to each important sector.
5. Opportunity is provided for a "new start" to planning and coordination in postsecondary education.
6. Statutory basis is provided for involving the state's independent colleges and universities, and the private trade, technical and business schools in the overall planning and coordination process.

III. INSTITUTIONAL GOVERNANCE

In its review of postsecondary education in Michigan, the Commission has given detailed consideration to the history of governance of its publicly supported colleges and universities. As a result, the Commission concludes that much that is of great value in Michigan higher education, including the much deserved national reputations of several of its institutions, may be associated in part with the patterns of institutional governance which have become tradition within the state.

A. Independent Boards of Control

First among these traditions is the relative independence of the boards of control of institutions. With the exception of the two University of Michigan branch campuses at Flint and Dearborn, each of the public baccalaureate institutions in Michigan is governed by its own board. In addition, each of the state's public community and junior colleges is governed by a locally elected board of trustees or board of education.

The Commission strongly favors a continuation of this tradition in Michigan. Therefore, it rejects the concept of a single statewide governing board which is currently gaining popularity across the country. The Commission believes that Michigan's public postsecondary educational system is much too complex, and its in-

stitutions too varied in structure and purpose, to benefit from the creation of a central board of control for the state as a whole.

The Commission also rejects the view that any major portion of the state's system of higher education should be contained under the governance control of a single board. In adopting the 1963 Constitution, the people of the state replaced a system that grouped the former state teachers colleges under a single board. No evidence has been presented, in the Commission's view, to cause it, at this time, to question this decision.

There are, of course, arguments against maintaining independent boards of control and the Commission has taken note of the concerns expressed in this regard. Among these are concern for the possible wasteful duplication of resources, for unwarranted competition among the institutions, and for the lack of interinstitutional cooperation.

On the whole, however, the Commission concludes that there is great merit in continuing, through constitutional expression and by statute, the concept of independent boards, whether elected or appointed. The Commission believes that the responsiveness of such boards to the needs of the area they serve, be it local, regional or statewide, outweighs possible disadvantages.

B. Membership

The Commission reaffirms the strong Michigan tradition of lay citizen control of the governing boards. Since the people are to be served by the institutions, the power of control over the institutions must

rest finally with the people and their representatives, however selected.

The Commission rejects the concept of faculty participation on the boards of their own institutions, as has been suggested. Because of the continuing employer-employee relationship (especially if formalized in a collective bargaining contract), this would, in the Commission's view, constitute a substantial conflict of interest. The need for improved communications between faculties and boards, however, is recognized. The Commission does support service on boards of institutions other than their own by qualified faculty members, as is currently the practice in Michigan.

The Commission urges that the representativeness of governing boards be broadened by insuring that any artificial barriers to board participation are removed and that the selection process provides opportunity and means for participation in the governance process to those now underrepresented. But no rigid quota system for such selection should be adopted.

The Commission paid special attention to the question of student membership on governing boards. It does not believe that such membership would constitute a substantial conflict of interest, which is a contrary view to the prevailing Attorney General opinion on this subject. As consumers of the educational process, students have a vital interest. As legal adults, in most cases, they have a basic right to participate in the political process. No evidence exists that students would use their authorities as members of boards

with any less integrity than other office holders. The Commission, therefore, recommends the removal of any legal barriers prohibiting students, otherwise qualified, from serving on governing boards.

C. Method of Selection

Michigan now elects the governing boards of its local public community and junior colleges, appoints the boards of ten statewide colleges and universities, and elects the governing boards of the three largest statewide universities. Election of local community boards appears sound but no logic can be seen in the differing methods of selecting governing boards for statewide colleges and universities. The appointive process can bring to public service on these boards citizens of equal distinction as those elected to the post and can, perhaps, insure greater representation of all sectors of our society.

The history of the present elective procedures for the three university boards demonstrates the relative lack of focus or discussion of educational issues during the campaigns, and the overriding tendency for the "top of the ticket" to carry the elective educational offices without regard to any distinguishing qualities or lack thereof of the candidates involved.

Therefore, the Commission recommends the appointive process as the means of selection of each of the boards of the public baccalaureate institutions, including those of the University of Michigan, Michigan State University, and Wayne State University.

D. Presiding Officers

The constitution now requires that the presidents of the University of Michigan, Michigan State University, and Wayne State University serve as the presiding officer of their respective boards. For all other public baccalaureate institutions in Michigan, this arrangement is permissive under the constitution.

The Commission believes that embedding such a requirement in the constitution is inappropriate and serves to impose an unnecessary limitation on the authority of the boards to organize themselves in the manner best suited to their own purposes. It concludes that this is a matter to be determined by each board in its by-laws and not by use of either the constitution or statute.

The Commission, therefore, recommends that that provision of the State Constitution requiring the presidents of the University of Michigan, Michigan State University, and Wayne State University to serve as the presiding officers of their respective boards should be eliminated.

E. Additional Recommendations

The Commission weighed the arguments regarding balancing political party representation on governing boards. Some suggest that such balancing might place undue emphasis on political party identification and establish rigid quotas for board service. Others, including a majority of the Commission, urge a bipartisan composition

to reduce the possibility of purely partisan disputes on the boards. The Commission also believes that terms of board service should be shortened to attract competent citizens to this important public service. Further, the Commission proposes that governing boards consist of an uneven number of members to reduce the prospect of indecision due to tie votes. Therefore, the Commission recommends:

1. That each of the eight-member boards of control of public baccalaureate institutions be expanded to nine members.
2. That no more than five of the nine members of each board be representative of any single political party.
3. That the terms of office of these several boards of control be reduced from eight years to six years.

IV. FUTURE AGENDA

The Commission's decision to concentrate on the highest priority concerns (i.e., improving planning, coordination and governance) does not imply that basic substantive issues were ignored. Rather, it was the realization of the significance of these other issues that reinforced the Commission's determination that establishing more effective processes and mechanisms for dealing with such concerns is the greater urgency. An identification of fundamental issues requiring insightful planning and policy decisions is impressive. The Commission is prepared only to note some of the major concerns and invite public response in clarifying the issues and establishing priorities for future resolution. In a sense, this will set the agenda for planning and coordination efforts by the proposed state board for postsecondary education, governance concerns by institutional boards, and decision making by the Governor and Legislature in the years ahead. Public response in this area should help to focus the state's attention to the most immediate public policy issues.

A. Goals and Purposes

Any array of issues and concerns soon reveals a basic relationship to the overall goals and purposes of postsecondary education. These goals, almost universally stated in the literature but often

overlooked in policy debates, usually stress the learning process with its implications for economic growth, social and political understandings, ethical and humanistic values and the creation and preservation of knowledge. Although such goals are implicit in many policy decisions, a clearer articulation of Michigan's goals in postsecondary education would be helpful in judging specific proposed objectives, policy strategies and program alternatives. The Commission recommends that the new state board of postsecondary education involve the postsecondary education community and the general public in developing and articulating a statement of Michigan's basic goals and purposes in postsecondary education.

Such a clarification of basic purposes would, the Commission believes, assist in resolving current issues and problems. It would be expected to affirm that providing opportunity and environment for learning remains the central purpose of postsecondary education.

B. Opportunities for Learning

Among the many urgent policy issues in the area of providing opportunities for learning, the Commission notes the following as requiring public policy attention:

1. Insuring equal access to postsecondary education.
2. Maximizing individual choice in the selection of appropriate educational objectives and opportunities.
3. Granting educational justice for individuals and groups previously discriminated against.

4. Insuring opportunity for success once admitted to the process.
5. Expanding lifelong learning opportunities and the reintegration of life/work and learning experiences.
6. Assessing the overall costs and benefits of postsecondary education.
7. Building tuition policies to appropriately balance the costs of postsecondary education between the individual and society.
8. Improving programs of student financial assistance.
9. Assessing the needs and public policy impacts of independent colleges and universities and private trade and business schools.
10. Assessing alternatives or improvements to local property taxes as a support base for public community and junior colleges.
11. Devising more equitable formulas for allocating available resources among the various institutions and sectors of postsecondary education.
12. Projecting manpower needs and training related thereto.
13. Forecasting future enrollment trends.
14. Reviewing needs, costs and impacts of research programs.
15. Determining needs for community service and assistance in social problem solving by postsecondary education institutions.

C. Environment for Learning

The Commission has identified the following concerns in the environment for learning that require policy clarification:

1. Developing greater flexibility in instructional programs and increased diversity among institutions.

2. Preserving the values of institutional independence.
3. Achieving comprehensiveness of the postsecondary educational enterprise.
4. Improving interinstitutional cooperation and joint system planning among all segments of postsecondary education.
5. Insuring institutional excellence in the quality of instruction, research and public service.
6. Developing adequate systems of public accountability.
7. Creating periodic review of roles and services, as well as goals and objectives to insure responsiveness to changing needs.
8. Achieving greater efficiency in the use of limited resources.
9. Encouraging alternate delivery systems and new approaches to learning.
10. Developing systems for data and information needed in planning and management.
11. Projecting long-range funding needs for operations and facilities.
12. Facilitating movement of students between institutions and sectors of postsecondary education.
13. Fostering regional, statewide and interstate cooperative relations among institutions.
14. Assessing the effect of collective bargaining by academic employees on institutional governance and faculty tenure.

V. CONCLUDING NOTE

Early in this study effort, the Commission made a basic strategic decision. To be most effective, the Commission decided that it must limit its major concerns to the highest priority issues, establish achievable goals, seek broad consensus among affected groups and involve itself in the implementation of its recommendations. As this report indicates, highest priority has been assigned to improving statewide planning and coordination of postsecondary education and its relationship to institutional governance. This may appear to be a limited goal, but the Commission reasoned at the start of this study, and confirms now, that structure, authorities and relationships to facilitate systemwide approaches are essential to dealing with the basic, substantive issues in postsecondary education. Without such mechanisms in place and functioning, solutions to the basic issues in higher education will be much more difficult to achieve. Thus, the Commission's major efforts were directed toward finding the consensus in this area and seeking to implement its findings.

As the record of its public hearings and other responses to the interim report will attest, the Commission believes it has found substantial support in the education community for creation of a separate state board of postsecondary education with advisory powers. However, the lateness of introduction and the uncertainties

of an election year legislative session resulted in no action on the implementing resolutions. While little outright opposition to the proposals was noted during legislative consideration, it is apparent that a greater understanding of the issues and commitment to their solution is required on the part of political leadership in this state.

Constitutional revisions may be considered only at statewide general elections. Thus, the next earliest opportunity to present these issues to the people is in 1976. The interim period should be utilized by the Governor and the Legislature in carefully studying these proposals, receiving additional public reaction and mobilizing the political processes to respond. Adequate lead time is available and should be used to ready these proposals for consideration at the general (or primary) election in 1976. It is suggested that the Governor may wish to call attention to the Commission findings in a message to the Legislature. As indicated in House Resolution 370 (see Appendix A-4 for complete text), the Legislature may deem it appropriate to appoint separate or joint study committees to explore the matters further. Such efforts should be initiated during the 1975 legislative session to ready the joint resolutions for early consideration in the 1976 session.

Although the Commission was not able to bring about implementation of its major recommendations during its term of office, it is confident that it has initiated a reexamination of the major issues in Michigan's postsecondary education system. Resolution of these issues will require the continuing efforts and concerns of educational and political leadership and of the public. Their solution will help to improve Michigan's already excellent system of postsecondary education.

APPENDICES

A. Implementing Legislation

- 1. Senate Joint Resolution GG**
- 2. Senate Joint Resolution FF**
- 3. House Joint Resolution JJ**
- 4. House Resolution No. 370**
- 5. Sample Draft Implementing Statute**
- 6. Sample Draft Revision of Reorganization Statute**

B. Index to Commission Working Papers

C. Commission Timetable

D. Acknowledgments

SENATE JOINT RESOLUTION GG

June 6, 1974, Introduced by Senators BURSLEY, VANDER LAAN
and FAUST and referred to the Committee on Education.

A joint resolution proposing amendments to sections 3 and 7 of article 8
of the state constitution to create a state board of post-secondary education
and to abolish the state board for public community and junior colleges.

Resolved by the Senate and House of Representatives of the state of
Michigan, That the following amendments to sections 3 and 7 of article 8 of
the state constitution, to create a state board of post-secondary education
and to abolish the state board for public community and junior colleges, are
proposed, agreed to and submitted to the people of the state:

ARTICLE 8

1
2 Sec. 3. Leadership and general supervision over all public ELEMENTARY
3 AND SECONDARY education, ~~including adult education and instructional~~
4 ~~programs in state institutions, except as to institutions of higher~~
5 ~~education granting baccalaureate degrees~~ AS DEFINED BY LAW,
6 is vested in a state board of education. It shall serve
7 as the general planning and coordinating body for all public ELEMENTARY AND

1 SECONDARY education, ~~including higher education~~, and shall advise THE GOVERNOR
2 AND the legislature as to the financial requirements in connection therewith.

3 THE LEGISLATURE SHALL BY LAW ESTABLISH A STATE BOARD OF POST-SECONDARY
4 EDUCATION WHICH SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND
5 CONSENT OF THE SENATE. THE BOARD SHALL PREPARE PLANS FOR THE DEVELOPMENT AND
6 COORDINATION OF POST-SECONDARY EDUCATION AND ADVISE THE GOVERNOR AND THE
7 LEGISLATURE AS TO METHODS OF IMPLEMENTING THE PLANS AND AS TO THE NEEDS IN
8 POSTSECONDARY EDUCATION AND THE FINANCIAL REQUIREMENTS IN CONNECTION THEREWITH.

9 The state board of education shall appoint a superintendent of public
10 instruction whose term of office shall be determined by the board. He shall
11 be the chairman of the board without the right to vote, and shall be responsible
12 for the execution of its policies. He shall be the principal executive officer
13 of a state department of education which shall have powers and duties provided
14 by law.

15 The state board of education shall consist of eight members, who shall be
16 nominated by party conventions and elected at large for terms of eight years as
17 prescribed by law. The governor shall fill any vacancy by appointment for the
18 unexpired term. The governor shall be ~~ex-officio~~ EX OFFICIO a member of the
19 state board of education without the right to vote.

20 The power of the boards of institutions of higher education provided in
21 this constitution to supervise their respective institutions and control and
22 direct the expenditure of the institutions' funds shall not be limited by this
23 section.

24 Sec. 7. The legislature shall provide by law for the establishment and
25 financial support of public community and junior colleges which shall be
26 supervised and controlled by locally elected boards. ~~The legislature shall~~
27 ~~provide by law for a state board for public community and junior colleges which~~

1 ~~shall advise the state board of education concerning general supervision and~~
2 ~~planning for such colleges and requests for annual appropriations for their~~
3 ~~support. The board shall consist of eight members who shall hold office for~~
4 ~~terms of eight years, not more than two of which shall expire in the same year,~~
5 ~~and who shall be appointed by the state board of education. Vacancies shall be~~
6 ~~filled in like manner. The superintendent of public instruction shall be~~
7 ~~ex-officio a member of this board without the right to vote.~~

8 Resolved further, That the foregoing amendments shall be submitted to
9 the people of the state at the next general election in the manner provided
10 by law.

5080 '74

SENATE JOINT RESOLUTION FF

June 6, 1974, Introduced by Senator VANDER LAAN and referred to the Committee on Education.

A joint resolution to amend article 8 of the state constitution by amending sections 4, 5 and 6 and adding section 10 to revise the composition of the governing boards of higher education institutions.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendments to article 8 of the state constitution by amending sections 4, 5 and 6 and adding section 10, to revise the composition of the governing boards of higher education institutions, are proposed, agreed to and submitted to the people of the state:

ARTICLE 8

1
2 Sec. 4. The legislature shall appropriate moneys to maintain the Univer-
3 sity of Michigan, Michigan State University, Wayne State University, Eastern
4 Michigan University, Michigan ~~College of Science and Technology~~ TECHNOLOGICAL
5 UNIVERSITY, Central Michigan University, Northern Michigan University, Western
6 Michigan University, Ferris ~~Institute~~ STATE COLLEGE, Grand Valley State ~~College~~

COLLEGES, SAGINAW VALLEY COLLEGE, LAKE SUPERIOR STATE COLLEGE, OAKLAND UNIVERSITY, by whatever names such institutions may hereafter be known, and other institutions of higher education established by law. The legislature shall be given an annual accounting of all income and expenditures by each of these educational institutions. Formal sessions of governing boards of such institutions shall be open to the public.

Sec. 5. The regents of the University of Michigan and their successors in office shall constitute a body corporate known as the Regents of the University of Michigan; the trustees of Michigan State University and their successors in office shall constitute a body corporate known as the Board of Trustees of Michigan State University; the governors of Wayne State University and their successors in office shall constitute a body corporate known as the Board of Governors of Wayne State University. Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds. Each board shall, as often as necessary, elect a president of the institution under its supervision, ~~THE~~ WHO shall be the principal executive officer of the institution, AND be ~~ex-officio~~ EX OFFICIO a member of the board without the right to vote and ~~preside at meetings of the board~~. The board of each institution shall consist of ~~eight~~ NINE members, NOT MORE THAN FIVE OF WHOM SHALL BE OF THE SAME POLITICAL PARTY, who shall hold office for terms of ~~eight~~ SIX years, NOT MORE THAN THREE OF WHICH SHALL EXPIRE IN THE SAME YEAR, and who shall be ~~elected as provided by law~~ APPOINTED BY THE GOVERNOR BY AND WITH THE ADVICE AND CONSENT OF THE SENATE. The governor shall fill board vacancies by appointment FOR THE BALANCE OF THE UNEXPIRED TERM IN LIKE MANNER. ~~Each appointee shall hold office until a successor has been nominated and elected as provided by law.~~

Sec. 6. Other PUBLIC institutions of higher education established by law

1 having authority to grant baccalaureate degrees shall each be governed by a
2 board of control which shall be a body corporate. The board shall have general
3 supervision of the institution and the control and direction of all expenditures
4 from the institution's funds. It shall, as often as necessary, elect a presi-
5 dent of the institution under its supervision, ~~He~~ WHO shall be the principal
6 executive officer of the institution and be ~~ex-officio~~ EX OFFICIO a member of
7 the board without the right to vote. ~~The board may elect one of its members~~
8 ~~or may designate the president, to preside at board meetings.~~ Each board of
9 control shall consist of ~~eight~~ NINE members, NOT MORE THAN FIVE OF WHOM SHALL
10 BE OF THE SAME POLITICAL PARTY, who shall hold office for terms of ~~eight~~ SIX
11 years, not more than ~~two~~ THREE of which shall expire in the same year, and who
12 shall be appointed by the governor by and with the advice and consent of the
13 senate. Vacancies shall be filled in like manner.

14 SEC. 10. THE LEGISLATURE SHALL ESTABLISH BY LAW THE METHOD FOR IMPLEMENT-
15 ING THE PROVISIONS REGARDING NUMBER, TERMS, AND POLITICAL AFFILIATIONS OF THE
16 MEMBERS OF THE BOARDS ESTABLISHED UNDER SECTIONS 5 AND 6 SO THAT COMPLIANCE
17 WITH THE AMENDED SECTIONS IS ACHIEVED NOT LATER THAN THE EXPIRATION DATES OF
18 THE TERMS FOR WHICH MEMBERS WERE ELECTED OR APPOINTED PRIOR TO JULY 1, 1975.
19 MEMBERS ELECTED OR APPOINTED TO BOARDS PRIOR TO JULY 1, 1975, MAY SERVE THE TERM
20 TO WHICH ELECTED OR APPOINTED.

21 Resolved further, That the foregoing amendments shall be submitted to the
22 people of the state at the next general election in the manner provided by law.

HOUSE JOINT RESOLUTION JJ

June 27, 1974, Introduced by Reps. Richard A. Young and Smart and referred to the Committee on Constitutional Revision and Women's Rights.

A joint resolution proposing amendments to sections 3 and 7 of article 8 of the state constitution to create a state board of post-secondary education and to abolish the state board for public community and junior colleges.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendments to sections 3 and 7 of article 8 of the state constitution, to create a state board of post-secondary education and to abolish the state board for public community and junior colleges, are proposed, agreed to and submitted to the people of the state:

ARTICLE 8

1
2 Sec. 3. Leadership and general supervision over all public ELEMENTARY
3 AND SECONDARY education, ~~including adult education and instructional~~
4 ~~programs in state institutions, except as to institutions of higher~~
5 ~~education granting baccalaureate degrees~~ AS DEFINED BY LAW,
6 is vested in a state board of education. It shall serve
7 as the general planning and coordinating body for all public ELEMENTARY AND

1 SECONDARY education, ~~including higher education~~, and shall advise THE GOVERNOR
2 AND the legislature as to the financial requirements in connection therewith.

3 THE LEGISLATURE SHALL BY LAW ESTABLISH A STATE BOARD OF POST-SECONDARY
4 EDUCATION WHICH SHALL BE APPOINTED BY THE GOVERNOR, BY AND WITH THE ADVICE AND
5 CONSENT OF THE SENATE. THE BOARD SHALL PREPARE PLANS FOR THE DEVELOPMENT AND
6 COORDINATION OF POST-SECONDARY EDUCATION AND ADVISE THE GOVERNOR AND THE
7 LEGISLATURE AS TO METHODS OF IMPLEMENTING THE PLANS AND AS TO THE NEEDS IN
8 POSTSECONDARY EDUCATION AND THE FINANCIAL REQUIREMENTS IN CONNECTION THEREWITH.

9 The state board of education shall appoint a superintendent of public
10 instruction whose term of office shall be determined by the board. He shall
11 be the chairman of the board without the right to vote, and shall be responsible
12 for the execution of its policies. He shall be the principal executive officer
13 of a state department of education which shall have powers and duties provided
14 by law.

15 The state board of education shall consist of eight members, who shall be
16 nominated by party conventions and elected at large for terms of eight years as
17 prescribed by law. The governor shall fill any vacancy by appointment for the
18 unexpired term. The governor shall be ~~ex-officio~~ EX OFFICIO a member of the
19 state board of education without the right to vote.

20 The power of the boards of institutions of higher education provided in
21 this constitution to supervise their respective institutions and control and
22 direct the expenditure of the institutions' funds shall not be limited by this
23 section.

24 Sec. 7. The legislature shall provide by law for the establishment and
25 financial support of public community and junior colleges which shall be
26 supervised and controlled by locally elected boards. ~~The legislature shall~~
27 ~~provide by law for a state board for public community and junior colleges which~~

1 ~~shall advise the state board of education concerning general supervision and~~
2 ~~planning for such colleges and requests for annual appropriations for their~~
3 ~~support. The board shall consist of eight members who shall hold office for~~
4 ~~terms of eight years, not more than two of which shall expire in the same year,~~
5 ~~and who shall be appointed by the state board of education. Vacancies shall be~~
6 ~~filled in like manner. The superintendent of public instruction shall be~~
7 ~~ex-officio a member of this board without the right to vote.~~

8 Resolved further, that the foregoing amendments shall be submitted to
9 the people of the state at the next general election in the manner provided
10 by law.

5080 '74

JOURNAL OF THE HOUSE

June 11, 1974

Motions and Resolutions

Reps. Owen, Crim, Huffman, Richard A. Young, Farnsworth and De Stigter offered the following resolution:
House Resolution No. 370.

A resolution creating a special study committee to examine the recommendations made by the Governor's Commission on Higher Education.

Whereas, The Governor's Commission on Higher Education has made the following recommendations for improving the State's postsecondary education program:

- Creation of a new State Board of Postsecondary Education. The new board, composed of nine, bipartisan members appointed by the Governor, with the consent of the Senate, would be responsible for planning and coordination of all education programs beyond high school. The present State Board of Education would retain authority for elementary and secondary education.
- Universities, colleges, and community colleges would continue to direct the operations of their institutions while the Postsecondary Education Board would develop plans to improve statewide higher education programs.
- Governing boards of the three major universities would be appointed rather than elected.
- Students would be eligible to serve on the governing boards of the institutions they attend; and

Whereas, It is incumbent on the Legislature to make a thorough study of these recommendations and determine if legislation to implement them is necessary; now therefore be it

Resolved by the House of Representatives, That there is created a special committee of the House to consist of 7 members to be appointed by the Speaker, to function during the 1974 Regular Session of the Legislature, to evaluate the recommendations made by the Governor's Commission on Higher Education, and to report its findings and recommendations to the 1975 Legislature; and be it further

Resolved, That the committee may subpoena witnesses, administer oaths and examine the books and records of any person, partnership, association or corporation, public or private, involved in a matter properly before the committee; and may call upon the services and personnel of any agency of the state and its political subdivisions, and may engage such assistance as it deems necessary; and be it further

Resolved, That the committee may employ such consultants, aides and assistants as it deems necessary to conduct its study; the committee may call upon the Legislative Service Bureau, subject to approval of the Legislative Council, for such services and assistance as it deems necessary and may request information and assistance from state departments and agencies; and be it further

Resolved, That the members of the committee shall serve without compensation, but shall be entitled to actual and necessary travel and other expenses incurred in the performance of official duties, to be paid from the appropriation to the House of Representatives.

The resolution was referred to the Committee on House Policy.

SAMPLE

DRAFT IMPLEMENTING STATUTE

A bill to create a State Board of Postsecondary Education and a Department of Postsecondary Education, to prescribe their powers and duties, to transfer certain powers from the State Board of Education to the State Board of Postsecondary Education, and to prescribe certain duties of institutions of postsecondary education.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "Postsecondary Education Act of 197_."

Sec. 2. Definitions.

(1) "Board" means the State Board of Postsecondary Education as created in Sec. 3 of this act.

(2) "Elementary and Secondary Education" means any instruction, research, public service, learning opportunity, or other service offered for credit or non-credit by institutions, other than postsecondary education institutions, administered under the leadership and supervision of the State Board of Education.

(3) "Postsecondary Education" means any organized instruction, research, public service, learning opportunity, or other related service offered for credit or non-credit primarily to persons who have been granted a diploma or its equivalent from an accredited secondary institution or who are beyond the compulsory school attendance age, and administered by institutions other than schools whose primary

role is elementary and secondary education as defined in this act.

(4) Postsecondary institutions include but are not limited to:

(a) Public institutions of higher education which are owned or operated by the State of Michigan and which grant baccalaureate or higher degrees.

(b) Public community and junior colleges organized under Act 331 of the Public Acts of 1966, as amended.

(c) Private non-profit educational corporations which grant associate or baccalaureate or higher degrees.

(d) Private trade schools, business schools and educational institutes, including non-incorporated privately operated institutions and incorporated institutions, which are licensed under Act 148 of the Public Acts of 1943, as amended.

Sec. 3. Pursuant to Section 3 of Article VIII of the state constitution, a State Board of Postsecondary Education is created.

(1) The Board consists of nine citizens of the state to be appointed by the Governor by and with the advice and consent of the Senate. No more than five members shall be representative of a single political party. The term of each member is four years except that of the first members appointed two will be appointed for a term of one year, two for two years, two for three years, and three for four years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term.

(2) The Board shall organize, elect its officers, make

its own rules governing its procedures, determine the time and place of its meetings, determine the form of recording its proceedings and take other actions consistent with state law necessary to conduct its business. A majority of the Board constitutes a quorum.

(3) Members of the Board shall receive per diem compensation as appropriated by the Legislature and all actual and necessary expenses incurred in performance of their duties as members of the Board.

Sec. 4. The Board shall appoint a director who shall be the principal executive officer of the Board, and be an ex officio member of the Board without the right to vote. The director shall be exempt from the state civil service and shall receive compensation as set by the Board, within available appropriations. With approval of the Board, the director may appoint assistants and employees as necessary to perform the duties, responsibilities, and functions of the Board in accordance with the rules governing appointment of other state employees.

Sec. 5. A Department of Postsecondary Education is created.

(1) The head of the Department of Postsecondary Education is the State Board of Postsecondary Education.

(2) The principal executive officer of the Department of Postsecondary Education is the director who is appointed by the State Board of Postsecondary Education and whose term of office is determined by the Board.

[Alternate Sec. 5. The Board shall be an autonomous entity in the Department of Education, independent of the head of the Department of Education, and responsible for its own personnel, budgeting, procure-

ment, management related functions and all other powers, duties and functions enumerated in this act.]

Sec. 6. The powers, duties and functions of the Board include the following:

(1) Collecting pertinent information and data about postsecondary education in Michigan and providing interpretation and assessment of the information collected.

(2) Cooperating in the development of a common data collection and retrieval system in conjunction with the legislative fiscal agencies and the Department of Management and Budget for the use of the three agencies.

(3) Conducting comprehensive and continuous planning studies on various aspects of postsecondary education as determined by the Board or assigned to the Board by the Governor or the Legislature.

(4) Preparing plans for the development and coordination of postsecondary education and advising the Governor and the Legislature as to methods of implementing the plans and as to the needs in postsecondary education and financial requirements in connection therewith.

(5) Advising the Governor and the Legislature on the roles and missions of the various postsecondary education institutions, their educational programs, needs for new programs, centers, schools, institutes or departments and the financial implications of any proposed modification of current roles and missions of these institutions.

(6) Providing assistance in the development of cooperative relationships and compacts between and among institutions and be-

tween and among sectors of postsecondary education in the state.

(7) Studying and providing recommendations to the Governor and the Legislature as to the desirability and feasibility of establishing interstate compacts in connection with various aspects of postsecondary education in the state.

(8) Examining trends in enrollment and making enrollment projections for postsecondary education in the state based on existing and alternative policies and procedures.

(9) Studying and examining the long-term and short-term goals and objectives of postsecondary education as currently defined, evaluating the extent to which those goals and objectives are met, and proposing modifications in overall goals and objectives of postsecondary education as necessary.

(10) Providing other studies, plans, evaluation, or advice concerning postsecondary education and the institutions therein as the Governor or the Legislature may require.

(11) Establishing appropriate advisory committees and councils, broadly and equitably representative of postsecondary education in the state, to assist the Board in fulfilling its statutory powers, duties and functions.

(12) Accepting lawful gifts from federal or other sources in the form of services, property, money, pledges or promises to pay money in connection with carrying out its powers, duties or functions. The Board may place these moneys in a special fund to be spent under its direction for the purposes for which they were donated subject to

the conditions of the gift, grant, devise or bequest and provisions of state law.

(13) Promulgating rules necessary in carrying out its functions, in accordance with Act 88 of the Public Acts of 1943, as amended, and Act 177 of the Public Acts of 1958.

Sec. 7. The Board is empowered to contract with the federal government or any other person in accordance with established procedures under federal and state law.

Sec. 8. The power to grant licenses to and regulate all private trade schools, business schools and educational institutes in the state which are postsecondary education institutions as defined in Section 2 of this act, previously vested in the State Board of Education under the provisions of Act 148 of the Public Acts of 1943, as amended, being Sections 395.101 to 395.103 of the Compiled Laws of 1970, is transferred to the State Board of Postsecondary Education.

Sec. 9. The power to provide minimum requirements for nonincorporated privately operated institutions, which are postsecondary education institutions as defined in Section 2 of this act, previously vested in the State Department of Education under the provisions of Act 142 of the Public Acts of 1964, as amended, being Sections 390.771 and 390.772 of the Compiled Laws of 1970, is transferred to the State Board of Postsecondary Education.

Sec. 10. The power to grant permits to solicitors to solicit students in the state on behalf of private trade schools, business schools, correspondence schools and institutes, which are postsecondary

education institutions as defined in Section 2 of this act, previously vested in the superintendent of public instruction under the provisions of Act 40 of the Public Acts of 1963, as amended, being Sections 395.121 to 395.124 of the Compiled Laws of 1970, is transferred to the State Board of Postsecondary Education.

Sec. 11. The power to certify the adequacy of facilities, equipment, staff, and the educational program of any proposed educational corporation which would be a postsecondary education institution, as defined in Section 2 of this act, previously vested in the State Board of Education, as a condition precedent to authorization to file articles of incorporation with the Michigan Corporation and Securities Commission under Section 171 of Act 327 of the Public Acts of 1931, as amended, being Section 450.171 of the Compiled Laws of 1970, is transferred to the State Board of Postsecondary Education. The power to approve or disapprove the expansion of the program of an educational corporation which is a postsecondary education institution, as defined in Section 2 of this act, beyond that specified in its articles, previously vested in the State Board of Education under Section 172 of Act 327 of the Public Acts of 1931, as amended, being Section 450.172 of the Compiled Laws of 1970, is also transferred to the State Board of Postsecondary Education.

Sec. 12. Pursuant to Public Law 318 of the 92nd Congress, known as the Higher Education Act of 1965, as amended, the Board is designated as the postsecondary education commission for the State of Michigan and may take any necessary action consistent with state law to com-

ply with the provisions of the act or any other federal law to improve statewide planning for postsecondary education, to strengthen the educational resources of Michigan postsecondary education institutions, to provide financial assistance to students in postsecondary education, or for any other legitimate function through a program of administration, research and consultation. The Board may accept and expend federal funds and may promulgate rules necessary in carrying out its functions.

Sec. 13. Within the provisions of Sections 5, 6, and 7, Article VIII of the State Constitution, institutions of postsecondary education shall:

(1) Cooperate fully with the Board in providing all data and other information requested by the Board in connection with its powers, duties and functions enumerated in Section 6 of this act.

(2) Assist the Board in developing and maintaining an effective and useful data collection and retrieval system.

(3) Participate in planning studies conducted by the Board in various ways including but not limited to making temporary assignment of staff or other employees of postsecondary education institutions to assist the Board as may be mutually agreed to by the Board and such institutions.

(4) Cooperate fully with the Board in efforts to achieve effective and useful coordination within postsecondary education in order to insure high quality and availability of postsecondary education services to citizens of the state through the efficient use of state resources.

(5) In consultation with the Board, enter into compacts, agreements and cooperative relationships with other postsecondary education institutions that may be mutually agreed to by such institutions.

Sec. 14. To insure optimal cooperation and coordination between elementary and secondary education and postsecondary education in the state, the director of the State Board of Postsecondary Education and the superintendent of public instruction, the executive officer of the State Board of Education, shall exchange information and shall be invited to attend meetings of the respective bodies. Joint committees or councils consisting of members or staff from both boards may be appointed if authorized by both boards. These joint committees or councils may prepare plans, provide advice and made recommendations, as determined by the two boards.

Sec. 15. At the end of the fifth year after the effective date of this act, the Governor and the Legislature shall appoint a study commission to review the work and activities and the overall performance of the Board. The commission shall consist of 12 members, six of whom shall be appointed by the Governor, and six of the members shall be appointed by the Legislature. The Governor shall appoint a chairman from among the members. The study commission shall report its recommendations to the Governor and the Legislature. The study commission shall consider, but not be limited to, the following matters.

(1) Whether the Board has developed cooperative and constructive relationships with the Governor and the Legislature and the postsecondary education institutions in the state.

(2) Whether the Board, through its planning functions and advice to the Governor and the Legislature and the postsecondary education institutions, has fostered greater cooperation between and among postsecondary education institutions and coordination within the total postsecondary education system in the state.

(3) Whether the Board, in carrying out its powers, duties and functions in connection with postsecondary education institutions, has had any substantial impact on the quality, availability, or cost of postsecondary education services in the state.

(4) Whether statewide planning and coordination in postsecondary education requires further attention and action by the Governor and the Legislature.

(5) Whether the statutory and constitutional powers, duties, and functions of the Board should be modified.

Sec. 16. This act does not limit the powers of public institutions of higher education to supervise their respective institutions and control and direct the expenditure of the institutions' funds. This act does not limit the authority of locally elected boards to supervise and control the several public community and junior colleges in the state. This act does not authorize public community and junior colleges, as defined in Section 105 of Act 331 of the Public Acts of 1966, as amended, to grant baccalaureate or higher degrees.

SAMPLE

DRAFT REVISION OF REORGANIZATION STATUTE

A bill to amend Sections 307, 308, and 310 of Act 380 of the Public Acts of 1965, and to add Section 307-A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. Sections 307, 308, and 310 of Act 380 of the Public Acts of 1965, as amended, being Sections 16.407, 16.408, and 16.410 of the Compiled Laws of 1970, are amended as follows:

Sec. 307. The state higher education facilities commission, created under Act 233 of the Public Acts of 1964, being Sections 390.941 to 390.948 of the Compiled Laws of 1970, will hereafter be known as the state postsecondary education facilities commission and is transferred by type I transfer from the State Department of Education to the State Department of Postsecondary Education.

Sec. 308. The Michigan higher education assistance authority, created by Act 77 of the Public Acts of 1960, as amended, being Sections 390.951 to 390.960 of the Compiled Laws of 1970, will hereafter be known as the Michigan postsecondary education assistance authority and is transferred by type I transfer from the State Department of Education to the State Department of Postsecondary Education.

Sec. 310. The state board for public community and junior colleges, created under Act 193 of the Public Acts of 1964, being

Sections 390.911 to 390.916 of the Compiled Laws of 1970, is hereby abolished.

Sec. 2. Act 380 of the Public Acts of 1965, as amended, being Section 16.101 through Section 16.608 of the Compiled Laws of 1970, is amended by adding a new section as follows:

Sec. 307-A. The state higher education facilities authority, created under Act 295 of the Public Acts of 1969, as amended, being Sections 390.921 to 390.934 of the Compiled Laws of 1970, will hereafter be known as the state postsecondary education facilities authority and is transferred by type I transfer from the State Department of Education to the State Department of Postsecondary Education.

Appendix B

COMMISSION WORKING PAPERS

<u>Title</u>	<u>Author</u>
Dimensions of Michigan Higher Education	Commission Staff
Structural Review of Michigan Higher Education	" "
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Task Force

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Committee

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**Group and Individual Reaction to Interim
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Various

COMMISSION TIMETABLE

<u>Phase</u>	<u>Meeting Date</u>	<u>Major Events</u>
I N F O R M A T I O N A L	January 24, 1973	Governor's charge,
	February 28, 1973	Commission organization,
	March 25, 1973	staff background presentations,
	April 25, 1973	consultant presentations.
	May 23, 1973	Stipulations agreed to,
	June 26, 1973	key issues identified.
	July 25, 1973	
D E L I B E R A T I O N	September 12, 1973	
	September 26, 1973	Constitutional and nonconstitutional
	October 24, 1973	models considered,
	November 28, 1973	public reaction sought,
	January 23, 1974	policy decisions agreed to,
	February 20-21, 1974	interim report prepared,
	March 12, 1974	implementing legislation prepared,
	March 27, 1974	interim report issued.
	April 17, 1974	
I M P L E M E N T A T I O N	June 6, 1974	Public hearings held,
	September 19, 1974	public reaction received,
		revised implementing legislation introduced, legislation consideration. Final report issued.

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Bill S. Huffman
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